

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS PO. Box 1450 Alexandra, Vignia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/647,650	10/03/2000	Pascale Escaffre	1759.011	2392
23405 75	590 05/20/2003			
HESLIN ROTHENBERG FARLEY & MESITI PC			EXAMINER	
	5 COLUMBIA CIRCLE ALBANY, NY 12203		JOHNSON, EDWARD M	
			ART UNIT	PAPER NUMBER
			1754	, 2
			DATE MAILED: 05/20/2003	15

Please find below and/or attached an Office communication concerning this application or proceeding.

## Advisory Action G8/647,659		Application No.	Applicant(s)			
Examiner Edward M_Johnson 1754 -The MAILING DATE of this communication appears in the cover sheet with the correspondence address THE REPLY FILED 08 May 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final expect of CFR 132 per 132 per 133 per 134 per		09/647,650	ESCAFFRE ET AL.			
The RRILING DATE of this communication appears in the civer sheet with the correspondence address THE REPLY FILED 08 May 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either; (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Molics of Appeal (with appeal fee); or (3) a timely filed Molics of Appeal (with appeal fee); or (3) a timely filed Molics of Appeal (with appeal fee); or (3) a timely filed Molics of Appeal (with appeal fee); or (3) a timely filed Molics of Appeal (with appeal fee); or (3) a timely filed Molics of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. **PERIOD FOR REPLY** (check either a) or b)** The period for reply expires 5 months from the mailing date of the final rejection. whichever is later. In order, independent of the final rejection on the period for reply expires on: (1) the mailing date of the final rejection, whichever is later. In order, independent of the final rejection on the period for reply expires on: (1) the mailing date of the final rejection, whichever is later. In one year, however, with the statutory period of the final rejection. Whichever is later. In one year, however, with the statutory period of the final rejection. Whichever is later. In one year, however, with the statutory period for reply expires on the final organization on the period of time may be obtained under 37 CFR 1.136(a). The date on which the petition dure 47 CFR 1.136(a) for the final rejection. Whichever is later. In the final rejection of the purpose of determining the period date of the shortend statutory period for reply period set forth in 37 CFR 1.136(a). The proposed d	Autisory Action	Examiner	Art Unit			
THE REPLY FILED 08 May 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the application is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. PERIOD FOR REPLY [check either a) or b) The period for reply expires 5_months from the mailing date of the Mary rejection. Period for reply expires 5_months from the mailing date of the Mary Action, or (2) the date set forth in the final rejection, whichever is later, in no event, however, will the statutory period for reply expires 5_months from the mailing date of the Mary Action, or (2) the date set forth in the final rejection, whichever is later, in no event, however, will the statutory period for reply expires 5_months from the mailing date of the final rejection. ONLY OFTICE THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OFTI EFINAL REJECTION. See MPEP Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension see under 37 CFR 1.136(a) is activated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or 2) as set forth in 3 above, if checked. Any reply received by the Office ister than three months after the mailing date of the final rejection, even if immely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). A Notice of Appeal was filed on @8 May 2003. Appellant's Brief must be filed within the period set forth in 37 CFR 1.132(a), or any extension therefor (37 CFR 1.191(d)), to avoid dismissal of the appeal. 2. The proposed amendment(s) will not be entered because: (a) they raise the issue of new matter (see Note below); (b) they ra	,	Edward M. Johnson	1754			
Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in incondition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. Examination (RCE) in compliance with 37 CFR 1.136 (a) and the period for reply expires a prombts from the mailing date of the final rejection. The period for reply expires 3 months from the mailing date of the final rejection. She period for reply expires are: (1) the mailing date of the final rejection. ONLY CHECK THIS 80X WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL RECTION. See MPEP 766.07(f). Extensions of time may be obtained under 37 CFR 1.138(a). The date on which the petition under 37 CFR 1.138(a) and the appropriate extension en have been filled is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension en under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for theply originally set in the final office action: or 2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if immerity filled, may reduce any exame plant term adjustment. See 37 CFR 1.132(a) than the mailing date of the final rejection, even if immerity filled, may reduce any exame plant term adjustment. See 37 CFR 1.132(a) than three months after the mailing date of the final rejection, even if immerity filled, may reply received by the Office later than three months after the mailing date of the final rejection, even if immerity filled and the proposed amendment(s) will not be entered because: (a) A they are not deemed to place the explication in better form for appeal by materially reducing or simplifying th	The MAILING DATE of this communication appears n the c ver sheet with the correspondence address					
a) ☐ The period for reply expires 5_months from the mailling date of the final rejection. (P) the date set forth in the final rejection, whichever is later. In no event, however, with the statutory period for reply expires on: (1) the mailing date of this Advisory Action. or (2) the date set forth in the final rejection, whichever is later. In no event, however, with the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 700. Extensions of the may be obtained under 37 CFR 1.136(a) and the appropriate extension that the corresponding amount of the later of the proposed of the proposed of extension and the corresponding amount of the final rejection. See MPEP 71.131(a) is calculated from (1) the septratine of the selection and of the corresponding amount of the final rejection, even if its later. In (3) above, if checked. Any reply seelved by the Office later than three months after the mailing date of the final rejection, even if its later. The mail of the final rejection is a first in (3) above, if checked. Any reply seelved by the Office later than three months after the mailing date of the final rejection, even if its later. The mail of the final rejection, even if its later. The proposed amendment (s) will not be entered because: (a) ☑ A Notice of Appeal was filed on 88 May 2003. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. 2. ☑ The proposed amendment(s) will not be entered because: (a) ☑ they raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ they raise the issue of new matter (see Note below); (c) ☑ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ they present additional claims without canceling a c	Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued					
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, nonew, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date the final rejection, ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 705.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of set vanish and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned palent term adjustment. See 37 CFR 1.704(b). 1. △ A Notice of Appeal was filed on @8 May 2003. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. 2. △ The proposed amendment(s) will not be entered because: (a) △ they raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ they raise the issue of new matter (see Note below); (c) △ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet. 3. ☐ Applicant's reply has overcome the following rejection(s): Applicant's reply has overcome the following rejection(s): NOTE: See Continuation Sheet. 5. ☒ The ali affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place	PERIOD FOR REPLY [check either a) or b)]					
37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. 2 ☑ The proposed amendment(s) will not be entered because: (a) ☑ they raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ they raise the issue of new matter (see Note below); (c) ☑ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet. 3. ☐ Applicant's reply has overcome the following rejection(s): 4. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5. ☑ The a) ☐ affidavit, b) ☐ exhibit, or c) ☑ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. ☑ For purposes of Appeal, the proposed amendment(s) a) ☑ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) withdrawn from consideration: 13-21 and 24-28. 8. ☐ The proposed drawing correction filed on is a) ☐ approved or b) ☐ disapproved by the Examiner. 9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s)	b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if					
(a) ⊠ they raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ they raise the issue of new matter (see Note below); (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet. 3.☐ Applicant's reply has overcome the following rejection(s): 4.☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5.☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 6.☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7.☒ For purposes of Appeal, the proposed amendment(s) a)☒ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 1-11. Claim(s) withdrawn from consideration: 13-21 and 24-28. 8.☐ The proposed drawing correction filed on is a)☐ approved or b)☐ disapproved by the Examiner. 9.☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)	37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.					
 (b) ☐ they raise the issue of new matter (see Note below); (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet. 3.☐ Applicant's reply has overcome the following rejection(s): 4.☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5.☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 6.☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7.☒ For purposes of Appeal, the proposed amendment(s) a)☒ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 1-11. Claim(s) withdrawn from consideration: 13-21 and 24-28. 8.☐ The proposed drawing correction filed on is a)☐ approved or b)☐ disapproved by the Examiner. 9.☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) 						
(c) ⊠ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet. 3. ☐ Applicant's reply has overcome the following rejection(s): 4. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5. ☑ The a) ☐ affidavit, b) ☐ exhibit, or c) ☑ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. ☑ For purposes of Appeal, the proposed amendment(s) a) ☑ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 1-11. Claim(s) withdrawn from consideration: 13-21 and 24-28. 8. ☐ The proposed drawing correction filed on is a) ☐ approved or b) ☐ disapproved by the Examiner. 9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)						
issues for appeal; and/or (d)						
NOTE: See Continuation Sheet. 3. Applicant's reply has overcome the following rejection(s): 4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) withdrawn from consideration: 13-21 and 24-28. 8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)						
 3. □ Applicant's reply has overcome the following rejection(s): 4. □ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5. □ The a) □ affidavit, b) □ exhibit, or c) □ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 6. □ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. □ For purposes of Appeal, the proposed amendment(s) a) □ will not be entered or b) □ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) withdrawn from consideration: 13-21 and 24-28. 8. □ The proposed drawing correction filed on is a) □ approved or b) □ disapproved by the Examiner. 9. □ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) 	(d) They present additional claims without canceling a corresponding number of finally rejected claims.					
 4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 1-11. Claim(s) withdrawn from consideration: 13-21 and 24-28. 8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) 	NOTE: <u>See Continuation Sheet</u> .					
canceling the non-allowable claim(s). The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 1-11. Claim(s) withdrawn from consideration: 13-21 and 24-28. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)		· · · 				
application in condition for allowance because: <u>See Continuation Sheet</u> . 6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. ☑ For purposes of Appeal, the proposed amendment(s) a) ☑ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: <u>1-11</u> . Claim(s) withdrawn from consideration: <u>13-21 and 24-28</u> . 8. ☐ The proposed drawing correction filed on is a) ☐ approved or b) ☐ disapproved by the Examiner. 9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)	4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).					
raised by the Examiner in the final rejection. 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 1-11. Claim(s) withdrawn from consideration: 13-21 and 24-28. 8. □ The proposed drawing correction filed on is a) □ approved or b) □ disapproved by the Examiner. 9. □ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)	5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.					
 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 1-11. Claim(s) withdrawn from consideration: 13-21 and 24-28. 8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) 		ause it is not directed SOLELY t	o issues which were newly			
Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 1-11. Claim(s) withdrawn from consideration: 13-21 and 24-28. 8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)	7. For purposes of Appeal, the proposed amendment					
Claim(s) objected to: Claim(s) rejected: 1-11. Claim(s) withdrawn from consideration: 13-21 and 24-28. 8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)	The status of the claim(s) is (or will be) as follows:					
9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)	Claim(s) objected to: Claim(s) rejected: <u>1-11</u> .	<u>24-28</u> .				
	. ☐ The proposed drawing correction filed on is a) ☐ approved or b) ☐ disapproved by the Examiner.					
10. □ Other:	9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)					

Continuation of 2. NOTE: The added recitation of a photocatalyzing agent that is "bound to a supprt by means of an inorganic binder derived from" the aqueous colloidal dispersion is a new issue, which would require further search and/or consideration.

Continuation of 5. does NOT place the application in condition for allowance because: It is argued that the cited references do not disclose an inorganic binder. This is not persuasive because the amendment containing that limitation has not yet been enetered. It is noted that the features upon which applicant relies (i.e., an inorganic binder) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). It is argued that the Office action observes... silica binder. This is not persuasive because the reference is not considered to "teach away" from Applicant's claimed surface area since the reference does not teach that the claimed surface area should be avoided, as noted in the previous Office Action.

2